UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,)
vs.) Case No.: 4:13-cr-58-HEA (SPM)
)
JEFFREY ELLERBECK,)
Defendant.	,)

FIRST MOTION TO EXTEND THE TIME IN WHICH TO FILE PRETRIAL MOTIONS AND TO CONTINUE THE EVIDENTIARY HEARING

COMES NOW Defendant, Jeffrey Ellerbeck, by and through counsel, and hereby moves this Court to extend the time in which to file pretrial motions by a period of thirty (30) days and continue the evidentiary hearing to a date to be determined by this Court. In support of this motion, Defendant states as follows:

- 1. Defendant was arraigned on February 20, 2013.
- 2. Defendant resides in Denver, Colorado.
- 3. Counsel is currently reviewing discovery and will then need to meet with Defendant to review these materials, discuss the facts they allege, and consider the pretrial motions available to him.
 - 4. For these reasons, Defendant files the instant motion.
- 5. For these same reasons, the instant motion is necessary to provide counsel for the "defendant...the reasonable time necessary for effective preparation, taking into account the exercise of due diligence." 18 U.S.C. § 3161(h)(7)(B)(iv). Accordingly, "the ends of justice

served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(7)(A).

6. Defendant, through counsel, has discussed this matter with assistant United States attorney Stephen Casey. Mr. Casey has no objection to Defendant's request.

WHEREFORE, Defendant respectfully requests this Honorable Court extend the time in which to file pretrial motions by a period of thirty (30) days and continue the evidentiary hearing to a date to be determined by this Court.

Respectfully submitted,

ROSENBLUM, SCHWARTZ, ROGERS & GLASS, PC

By: /S/ Adam D. Fein

ADAM D. FEIN #52255 MO Attorney for Defendant 120 S. Central Avenue, Suite 130

Clayton, Missouri 63105

(314) 862-4332/Facsimile (314)862-8050

CERTIFICATE OF SERVICE

I hereby certify that on March 13, 2013, the foregoing was electronically filed with the Clerk of the Court to be served by operation of the Court's electronic filing system upon Mr. Stephen Casey, assistant United States attorney.